

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 19, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 12, 2003.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated August 12, 2003. Workman, Stevens and Heier voted aye. Schorr and Hudkins abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, August 19, 2003.**

MOTION: Hudkins moved and Workman seconded approval of all claims processed through August 19, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. **Comprehensive Plan Amendment 03016, by the Director of Planning, at the request of Peter Katt, on behalf of Dwaine Rogge, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change a portion of property designated "Environmental Resources" to "Industrial" between Salt Creek and Arbor Road, west of North 70th Street in Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the Comprehensive Plan Amendment.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb explained that the Planning Director had asked the applicant for a deferral in order to obtain a confirmation or a denial on whether the property is a Category I Saline Wetland or a Category II Saline Wetland from the Federal government. He stated there was a series of misunderstandings between the attorneys and the landowner, however, those issues have been resolved and Peter Katt, attorney representing Dwaine Rogge, has requested a deferral to September 9, 2003.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position to the amendment.

No one appeared and the hearing was recessed.

MOTION: Workman moved and Stevens seconded to recess the public hearing until September 9, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. **An application for a Special Events Permit from Junior's Cycling Productions to hold a bicycle race around Branched Oak Lake on Saturday, September 7, 2003 beginning at 8 a.m. and ending at 1 p.m.. The course begins at Lieber's Point, circles the lake using West Raymond Road, West Davey Road, Northwest 98th Street and Northwest 140th Street and ends back at Lieber's Point.**

John Lefler, Jr., applicant, appeared and presented an overview of the race.

5) **NEW BUSINESS CONTINUED:**

Stevens asked Lefler if there were any objections to the recommendations made by the Sheriff.

Lefler responded they had no objections.

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Events Permit from Junior's Cycling Productions to hold a bicycle race around Branched Oak Lake on Saturday, September 7, 2003 beginning at 8 a.m. and ending at 1 p.m. subject to the recommendations as outlined by the Sheriff's Office. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

B. Acceptance of proposal and agreement with the Lincoln League of Women Voters to assist with voter registration sites and provide election night workers in Lancaster County. The County shall pay \$4.50 an hour to the League for services provided up to \$1,100. The term of the agreement begins on September 1, 2003 and ends on August 31, 2004. (C-03-0417)

MOTION: Hudkins moved and Stevens seconded approval to accept the proposal and agreement with the Lincoln League of Women Voters to assist with voter registration sites and provide election night workers in Lancaster County. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

C. An interlocal agreement with the Village of Denton for law enforcement services within the corporate limits of the Village. The Sheriff will assign one deputy for duty in the Village and provide one sheriff's cruiser. The term of the agreement is from September 1, 2003 to August 31, 2004. The County will be reimbursed at the deputy's overtime rate for the services provided and will be reimbursed 36 cents per mile for cruiser maintenance. (C-03-0418)

MOTION: Hudkins moved and Workman seconded approval of an interlocal agreement with the Village of Denton for law enforcement services within the corporate limits of the Village. The Sheriff will assign one deputy for duty in the Village and provide one sheriff's cruiser. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. An interlocal agreement with the Village of Hallam to authorize the County to assign addresses to residences in the Village's one mile zoning jurisdiction in accordance with the County's Uniform Rural Address System. The County will be able to uniformly provide addresses which will assist emergency services when responding to residences in the County. (C-03-0419)

MOTION: Workman moved and Stevens seconded approval of an interlocal agreement with the Village of Hallam to authorize the County to assign addresses to residences in the Village's one mile zoning jurisdiction in accordance with the County's Uniform Rural Address System.

Kerry Eagan, Chief Administrative Officer, stated questions have arisen from individuals who were given notice that their addresses would be changed as to whether they would incur a fee at the Motor Vehicle Department to upgrade their driver's licenses. He stated the Motor Vehicle Department has been contacted and they indicated if the local police agencies, as well as some of the State agencies, were contacted they would forego issuing tickets. Those licenses would be allowed to expire and then at the time of renewal the addresses would be changed.

ROLL CALL: Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

E. An interlocal agreement with the Village of Sprague to authorize the County to assign addresses to residences in the Village's one mile zoning jurisdiction in accordance with the County's Uniform Rural Address System. The County will be able to uniformly provide addresses which will assist emergency services when responding to residences in the County. (C-03-00420)

MOTION: Schorr moved and Workman seconded approval of an interlocal agreement with the Village of Sprague to authorize the County to assign addresses to residences in the Village's one mile zoning jurisdiction in accordance with the County's Uniform Rural Address System. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

F. An agreement with Susan Westland to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. The term of the agreement is from July 1, 2003 to June 30, 2004. The County will compensate the contractor for up to \$7,500 worth of services. (C-03-0421)

MOTION: Stevens moved and Schorr seconded approval of an agreement with Susan Westland to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

G. An agreement with Anne Hobbs to act as an organizer for 14 training sessions for "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. The term of the agreement is from July 1, 2003 to June 30, 2004. The County will compensate the contractor for up to \$7,000 for services provided. (C-03-0422)

MOTION: Workman moved and Stevens seconded approval of an agreement with Anne Hobbs to act as an organizer for 14 training sessions for "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

H. An agreement with Kristi Pfeiffer to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. The term of the agreement is from July 1, 2003 to June 30, 2004. The County will compensate the contractor for up to \$7,500 worth of services. (C-03-0423)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Kristi Pfeiffer to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

- I. A contract with Helget, Inc. d/b/a Capital Medical for respiratory services for Lancaster Manor. Pricing for prescription and non-prescription items shall be in compliance with the Nebraska Department of Public Welfare published fee schedule. All prescription and non-prescription items shall be billed direct to the residents insurance company (including Medicaid/Medicare). Term of the contract is from September 1, 2003 through August 30, 2006 with the option to renew for one additional three year term. (C-03-0429)

MOTION: Hudkins moved and Stevens seconded approval of a contract with Helget, Inc. d/b/a Capital Medical for respiratory services for Lancaster Manor. Pricing for prescription and non-prescription items shall be in compliance with the Nebraska Department of Public Welfare published fee schedule. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- J. A settlement agreement with Larry D. Moore regarding a judgment against him, in the amount of \$11,713.58. Larry D. Moore will pay the County \$6,000 of which \$5,000 is principal and \$1,000 is for interest after which the County will release him from any further obligations under the judgment. (C-03-0430)

MOTION: Workman moved and Hudkins seconded approval of a settlement agreement with Larry D. Moore regarding a judgment against him, in the amount of \$11,713.58. Larry D. Moore will pay the County \$6,000 of which \$5,000 is principal and \$1,000 is for interest after which the County will release him from any further obligations under the judgment.

In response to a question asked by Stevens, David Johnson, Deputy County Attorney, said a cashier's check was received on August 15th. He also indicated that Mr. Moore signed the agreement.

ROLL CALL: Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

K. A labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a one year period, beginning August 21, 2003. (C-03-0431)

MOTION: Hudkins moved and Stevens seconded approval of a labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a one year period, beginning August 21, 2003. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

L. A labor agreement with the Lancaster County Deputy Sheriffs' Association Fraternal Order of Police, Lodge 29 for a two year period, beginning August 21, 2003. (C-03-0432)

MOTION: Workman moved and Schorr seconded approval of a labor agreement with the Lancaster County Deputy Sheriffs' Association Fraternal Order of Police, Lodge 29 for a two year period, beginning August 21, 2003. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

M. A resolution regarding the proposed sale of County property generally located at South 96th Street and Stagecoach Road, Lincoln, Lancaster County, Nebraska which includes the setting of a public hearing regarding the sale of the property and determination of fair market value and also the setting of the date for the sale of the property. (R-03-0074)

MOTION: Schorr moved and Stevens seconded approval of Resolution 03-0074. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

N. A resolution in the matter of contributing to the Post Employment Health Plan (PEHP) for all unrepresented, classified and unclassified County employees, in the amount of \$35 per period, per employee, effective the pay period beginning August 21, 2003. (R-03-0075)

MOTION: Workman moved approval of Resolution 03-0075 as amended in paragraph two.

Stevens indicated he had asked the County Attorney's Office to draft an alternate resolution relating to several changes.

5) **NEW BUSINESS CONTINUED:**

Motion failed for lack of a second.

MOTION: Workman moved and Stevens seconded approval of substitute Resolution 03-0075.

Johnson read the substitute resolution into the record.

ROLL CALL: Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

O. A resolution in the matter of approving an annual cost of living increase for unrepresented, classified County employees, in the amount of 3.5 percent, effective the pay period beginning August 21, 2003. (R-03-0076)

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0076. Workman, Schorr, Hudkins and Heier voted aye. Stevens voted no. Motion carried.

P. Recommendation from the Purchasing Agent and the Community Mental Health Center to award a Request for Proposal (RFP) for laboratory services to Physicians Laboratory Services, Inc. Pricing for services and tests will be charged as indicated in the bidding document and will be firm for the 12 month period. Estimated annual dollar volume of the contract will range from \$40,000 to \$60,000. All billings will be in compliance with Medicaid/Medicare insurance compensation rates. (B-03-0020)

MOTION: Stevens moved and Workman seconded approval to award a Request for Proposal (RFP) for laboratory services to Physicians Laboratory Services, Inc. Pricing for services and tests will be charged as indicated in the bidding document and will be firm for the 12 month period. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

Q. A request from the Personnel Officer to correct the class code number previously assigned to the Community Corrections Coordinator position from 5765 to 5761. This action is necessary due to a clerical error and will not effect the salary or class description of said position.

MOTION: Schorr moved and Stevens seconded approval of a request from the Personnel Officer to correct the class code number previously assigned to the Community Corrections Coordinator position from 5765 to 5761. This action is necessary due to a clerical error and will not effect the salary or class description of said position. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Assessor/Register of Deeds' Monthly Report for July, 2003.
2. Records & Information Management's Monthly Report for July, 2003.
3. Noxious Weed Control Authority's Monthly Report for July, 2003.
4. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for July, 2003.

B. Setting of public hearings for Tuesday, September 2, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. County Miscellaneous 03006, requested by the Director of Planning, to amend the County Subdivision Resolution to increase application filing fees.
2. County Miscellaneous 03007, requested by the Director of Planning, to establish a fee for requests to amend the Comprehensive Plan.

6) CONSENT ITEMS CONTINUED:

3. County Change of Zone 215, requested by the Director of Planning, to amend the County Zoning Resolution to increase application filing fees.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ State of Nebraska on South 110th Street north of Hickman Road; Project C.P.R-123. This is a donation. (C-03-0425)
- ▶ Dennis O. and Carolyn Walvoord on South 110th Street north of Hickman Road; Project C.P.R-123. This is a donation. (C-03-0424)
- ▶ Richard A. and Dianne K. Slama, in the total amount of \$11,160.95, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (3 contracts) (C-03-0426 through C-03-0428)
- ▶ Charles E. and Donna L. Holka, in the total amount of \$16,689.05, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (3 contracts) (C-03-0433 through C-03-0435)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

7) ADJOURNMENT:

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:01 p.m.. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 19, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Egan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:01 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 12, 2003.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated August 12, 2003. Workman, Stevens and Heier voted aye. Schorr and Hudkins abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 2 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

St. Teresa Church

MOTION: Stevens moved and Workman seconded approval of a motor vehicle tax exemption for St. Teresa Church. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

**Centerpointe Inc.
Campbell's Nurseries & Garden Center, Inc.
City of Lincoln**

Norm Agena, County Assessor/Register of Deeds, recommended the following:

- ▶ New value of \$220,370 for Centerpointe, Inc.
- ▶ New value of \$136,870 for Campbell's Nurseries & Garden Center, Inc.
- ▶ New value of \$168,200 for the City of Lincoln

MOTION: Hudkins moved and Workman seconded approval of the following recommendations from the County Assessor/Register of Deeds: New value of \$220,370 for Centerpointe, Inc., new value of \$136,870 for Campbell's Nurseries & Garden Center, Inc. and a new value of \$168,200 for the City of Lincoln. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **DENIAL OF 451 TAX EXEMPTION ON REAL PROPERTY FOR 2003:**

Saint Elizabeth Regional Medical Center

Agena recommended that the property be exempt with the exception of the land and the new medical building which is owned by DRF. He explained that St. Elizabeth is renting approximately 25,000 square feet which they are requesting be exempt. Based on a recommendation from Mike Thew, Chief Deputy County Attorney, Agena stated he was recommending that the request for exemption of 25,000 square feet leased by St. Elizabeth from DRF be denied.

Charles Pallesen, attorney representing St. Elizabeth Regional Medical Center, appeared and stated the 25,000 square feet is used for hospital purposes.

Agena stated denial was recommended because St. Elizabeth does not own the building.

MOTION: Workman moved and Hudkins seconded to accept the recommendation from the County Assessor/Register of Deeds to deny the 451 tax exemption on real property for 2003 for Saint Elizabeth Regional Medical Center. Workman, Schorr, Hudkins and Heier voted aye. Stevens voted no. Motion carried.

7) **APPROVAL OF 451 TAX EXEMPTIONS ON REAL PROPERTY FOR 2003:**

**Cedar Hill United Methodist Church
Christ Lutheran Church (2 exemptions)
Lincoln Indian Community Church
University of Nebraska Facilities Corporation**

MOTION: Hudkins moved and Workman seconded approval of 451 tax exemptions on real property for 2003 for Cedar Hill United Methodist Church, Christ Lutheran Church (2 exemptions), Lincoln Indian Community Church and University of Nebraska Facilities Corporation. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **DENIAL OF 451 TAX EXEMPTION ON REAL PROPERTY FOR 2003:**

Lincoln Right to Life

Agena indicated that the exemption from Lincoln Right to Life was filed after the June 30th deadline.

MOTION: Schorr moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the 451 tax exemption on real property for 2003 for Lincoln Right to Life. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

9) **REMOVAL OF 451 TAX EXEMPTION ON REAL PROPERTY FOR 2003:**

Christ Lutheran Church (2 exemptions)

Agena stated that the properties are no longer used by the church for exempt purposes.

MOTION: Stevens moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds to remove the 451 tax exemption on real property for 2003 for Christ Lutheran Church (2 exemptions). Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

10) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:15 p.m.. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk